
BUDGET UNIT BRIEF – FY 2019

Fiscal Services Division

July 1, 2018



Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

Department of Public Safety Asset Sharing Fund — Federal

Purpose and History

The U.S. Justice and Treasury departments have the legal authority to share federally forfeited property with participating state and local law enforcement agencies. The purpose for this authority is to further deter crime by depriving criminals of the profits and proceeds of illegal activities. Any state or local law enforcement agency that directly participates in an investigation or prosecution resulting in a forfeiture may request an equitable share of the net proceeds of the forfeiture. Forfeiture proceedings fall under the jurisdiction of the U.S. District Attorney for the district where the seizure is made.

Permissible uses by state and local agencies are limited to activities calculated to enhance future investigations, law enforcement training, law enforcement equipment and operations, law enforcement facilities, drug awareness and education programs, and asset accounting and tracking. The same rules that apply for other federal grant funds also apply to shared funds. The Iowa Department of Public Safety reports annually to the U.S. Justice and Treasury departments regarding the sharing funds received and the categories of expenditure for the funds utilized. Sharing funds must be used to supplement State funds and must not be used to supplant State funds. Additionally, sharing funds may only be used by a criminal justice agency, and the chief executive officer of the recipient agency is the only person with the authority to approve proposed expenditures. Federal sharing funds cannot be used for vehicles or salaries of officers unless the officers are new and result in a force strength greater than that achieved at any point in the law enforcement agency's history. Federal sharing funds have been used for overtime, undercover funds, travel and training, communications and computers, firearms and weapons, surveillance equipment, body armor and protective gear, building improvements, and grant match. Federal forfeitures may be handled criminally or civilly. Property forfeitures occur in criminal cases.

Funding

For the most part, federal sharing results in approximately 80.0% going to the seizing agency and 20.0% to the federal entity. The exception occurs when another law enforcement agency has invested participation, such as canine assistance. A portion of the percentage Iowa receives is provided to the assisting agency. In most cases, between 1.0% and 10.0% is shared with the assisting agency, depending on the level of participation and resources dedicated to the case by the local agency. For cases originating out of state where Iowa has an assisting role, the portion that Iowa would receive as the assisting agency ranges between 1.0% and 10.0%, depending on the level of participation and resources dedicated to the case.

More Information

Department of Public Safety: www.dps.state.ia.us

Guide to Equitable Sharing for State and Local Law Enforcement Agencies:

www.justice.gov/usao/ri/projects/esguidelines.pdf

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Forfeited property receipts received by Iowa vary from year to year. From FY 2015 through FY 2017, Iowa has averaged approximately \$384,000 per year, with \$127,000 being received in FY 2017.

Related Statutes and Administrative Rules

Iowa Code chapters [809](#) and [809A](#)

Iowa Administrative Code [61—33](#)